

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: In the nature of a substitute.

**IN THE SENATE OF THE UNITED STATES—118th Cong., 1st Sess.**

**S. 2032**

To require the reduction of the reliance and expenditures of the Federal Government on legacy information technology systems, and for other purposes.

Referred to the Committee on \_\_\_\_\_ and  
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended  
to be proposed by Ms. HASSAN

Viz:

1 Strike all after the enacting clause and insert the fol-  
2 lowing:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Legacy IT Reduction  
5 Act of 2023”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) ADMINISTRATOR.—The term “Adminis-  
9 trator” means the Administrator of General Serv-  
10 ices.

1           (2) AGENCY.—The term “agency” means an  
2           agency described in paragraph (1) or (2) of section  
3           901(b) of title 31, United States Code.

4           (3) CHIEF INFORMATION OFFICER.—The term  
5           “Chief Information Officer” means a Chief Informa-  
6           tion Officer designated under section 3506(a)(2) of  
7           title 44, United States Code.

8           (4) COMPTROLLER GENERAL.—The term  
9           “Comptroller General” means the Comptroller Gen-  
10          eral of the United States.

11          (5) CONGRESSIONAL OVERSIGHT COMMITTEE.—  
12          The term “congressional oversight committee”  
13          means, with respect to a particular agency, a com-  
14          mittee or subcommittee of the Senate and the House  
15          of Representatives that provides oversight of the  
16          agency.

17          (6) DIRECTOR.—The term “Director” means  
18          the Director of the Office of Management and Budg-  
19          et.

20          (7) INFORMATION TECHNOLOGY.—The term  
21          “information technology” has the meaning given the  
22          term in section 11101 of title 40, United States  
23          Code.

24          (8) IT WORKING CAPITAL FUND; LEGACY IN-  
25          FORMATION TECHNOLOGY SYSTEM.—The terms “IT

1 working capital fund” and “legacy information tech-  
2 nology system” have the meaning given the terms in  
3 section 1076 of the National Defense Authorization  
4 Act for Fiscal Year 2018 (40 U.S.C. 11301 note;  
5 Public Law 115–91).

6 (9) NATIONAL SECURITY SYSTEM.—The term  
7 “national security system” has the meaning given  
8 the term in section 11103 of title 40, United States  
9 Code.

10 (10) TECHNOLOGY MODERNIZATION FUND.—  
11 The term “Technology Modernization Fund” means  
12 the fund established under section 1078(b)(1) of the  
13 National Defense Authorization Act for Fiscal Year  
14 2018 (40 U.S.C. 11301 note; Public Law 115–91).

15 **SEC. 3. LEGACY INFORMATION TECHNOLOGY SYSTEM IN-**  
16 **VENTORY.**

17 (a) INVENTORY OF LEGACY INFORMATION TECH-  
18 NOLOGY SYSTEMS.—

19 (1) IN GENERAL.—Not later than 1 year after  
20 the date of enactment of this Act, and not later than  
21 5 years thereafter, the Chief Information Officer of  
22 each agency shall compile an inventory that lists  
23 each legacy information technology system used, op-  
24 erated, or maintained by the agency.



1 contract labor, to operate or maintain the  
2 legacy information technology system; and  
3 (iii) the name and contact information  
4 of the vendor; and  
5 (E) the date of the next expected update  
6 or modernization, retirement, or disposal of the  
7 legacy information technology system.

8 (b) TRANSPARENCY AND ACCOUNTABILITY.—

9 (1) IN GENERAL.—Upon request by a House of  
10 Congress, a congressional oversight committee of an  
11 agency, the Comptroller General, or an inspector  
12 general of an agency, the head of the agency shall  
13 make available the inventory compiled under sub-  
14 section (a)(1) or a relevant portion of that inventory.

15 (2) REPORTING.—The Director may require an  
16 agency to include the inventory compiled under sub-  
17 section (a)(1) in a reporting structure determined by  
18 the Director.

19 **SEC. 4. AGENCY LEGACY INFORMATION TECHNOLOGY SYS-**  
20 **TEMS MODERNIZATION PLANS.**

21 (a) IN GENERAL.—Not later than 2 years after the  
22 date of enactment of this Act, and every 5 years there-  
23 after, the head of an agency shall develop and include as  
24 part of the information resource management strategic  
25 plan of the agency submitted under section 3506(b)(2) of

1 title 44, United States Code, a plan to modernize the leg-  
2 acy information technology systems of the agency.

3 (b) CONTENTS.—A modernization plan of an agency  
4 developed under subsection (a) shall include—

5 (1) an inventory of the legacy information tech-  
6 nology systems of the agency;

7 (2) an identification of legacy information tech-  
8 nology systems that the agency has prioritized for  
9 updates, modernization, retirement, or disposal;

10 (3) steps the agency intends to make toward  
11 updating, modernizing, retiring, or disposing of the  
12 legacy information technology systems of the agency  
13 prioritized under paragraph (2) during the 5-year  
14 period beginning on the date of submission of the  
15 plan; and

16 (4) any additional information that the Director  
17 determines necessary or useful for the agency to  
18 consider or include to effectively and efficiently exe-  
19 cute the modernization plan, which may include—

20 (A) the capacity of the agency to operate  
21 and maintain an updated or modernized legacy  
22 information technology system;

23 (B) the estimated cost and sources of  
24 funding required to execute the modernization  
25 plan;

1 (C) the ability of the agency to adapt an  
2 updated or modernized legacy information tech-  
3 nology system to changes in policy, technology,  
4 or other user needs, as necessary; and

5 (D) the effect that updating, modernizing,  
6 retiring, or disposing of a legacy information  
7 technology system of the agency that is con-  
8 nected to a non-legacy information technology  
9 system would have on any such non-legacy in-  
10 formation technology system.

11 (c) PUBLICATION AND SUBMISSION TO CONGRESS.—  
12 Not later than 30 days after the date on which the head  
13 of an agency submits the modernization plan developed  
14 under subsection (a) as part of the information resource  
15 management strategic plan of the agency submitted under  
16 section 3506(b)(2) of title 44, United States Code, the  
17 head of the agency shall submit the modernization plan  
18 to the Committee on Homeland Security and Govern-  
19 mental Affairs of the Senate, the Committee on Oversight  
20 and Accountability of the House of Representatives, and  
21 each congressional oversight committee of the agency.

22 **SEC. 5. ROLE OF THE OFFICE OF MANAGEMENT AND BUDG-**  
23 **ET.**

24 Not later than 180 days after the date of enactment  
25 of this Act, the Director, in coordination with the Adminis-

1 trator of the Office of Electronic Government, shall issue  
2 guidance on the implementation of this Act and the  
3 amendments made by this Act, which shall include—

4 (1) criteria to determine whether information  
5 technology qualifies as a “legacy information tech-  
6 nology system” for the purposes of compiling the in-  
7 ventory required under section 3(a)(1);

8 (2) instructions and templates to inform the  
9 compilation of the inventory required under section  
10 3(a)(1), as necessary;

11 (3) instructions and templates to inform the  
12 compilation and publication of, and any subsequent  
13 updates to, the modernization plans required under  
14 section 4(a), as necessary; and

15 (4) any other guidance determined necessary  
16 for the implementation of this Act, including how  
17 the implementation of this Act complements laws,  
18 regulations, and guidance relating to information  
19 technology modernization.

20 **SEC. 6. COMPTROLLER GENERAL REVIEW.**

21 (a) IN GENERAL.—Not later than 3 years after the  
22 date of enactment of this Act, the Comptroller General  
23 shall submit to the Committee on Homeland Security and  
24 Governmental Affairs of the Senate and the Committee

1 on Oversight and Accountability of the House of Rep-  
2 resentatives a report on—

3 (1) the implementation of this Act; and

4 (2) how this Act functions alongside other in-  
5 formation technology modernization offices, policies,  
6 and programs, such as—

7 (A) the Technology Modernization Fund  
8 and the IT working capital fund;

9 (B) the Federal Risk and Authorization  
10 Management Program, the 18F program, and  
11 the 10X program of the General Services Ad-  
12 ministration;

13 (C) programs and policies of the Office of  
14 Management and Budget, including the Office  
15 of Electronic Government and the United  
16 States Digital Service; and

17 (D) any other office, policy, or program of  
18 the Federal Government determined relevant by  
19 the Comptroller General.

20 **SEC. 7. PROTECTION OF SENSITIVE INFORMATION; EXEMP-**  
21 **TION OF NATIONAL SECURITY SYSTEMS.**

22 (a) IN GENERAL.—Nothing in this Act shall be con-  
23 strued to require the head of an agency to disclose sen-  
24 sitive information that—

1           (1) is protected from disclosure under any other  
2       law; or

3           (2) would compromise the security of any infor-  
4       mation technology system of the Federal Govern-  
5       ment.

6       (b) EXEMPTION.—Nothing in this Act shall be con-  
7       strued to authorize or require the head of an agency to  
8       inventory, develop a report relating to, or transfer a na-  
9       tional security system.

10       (c) RULE OF CONSTRUCTION.—Nothing in this Act  
11       shall be construed to authorize the transfer of legacy infor-  
12       mation technology systems or equipment to the Chinese  
13       Communist Party, the People’s Republic of China, or any  
14       entity controlled by the People’s Republic of China.

15       **SEC. 8. NO NEW FUNDS; SUNSET.**

16       (a) NO NEW FUNDS.—No additional funds are au-  
17       thorized to be appropriated to carry out this Act.

18       (b) SUNSET.—Effective on the date that is 6 years  
19       after the date of enactment of the Act, this Act shall have  
20       no force or effect.